

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL J. GHIACIUC,

Plaintiff,

v.

Case No. 2:13-cv-12756

BANK OF AMERICA, N.A., a foreign corporation, BAC HOME LOANS SERVICING, LP, a foreign limited partnership, NATIONSBANC MORTGAGE CORPORATION, NATIONSBANK CORPORATION, both foreign corporations, FANNIE MAE a/k/a FEDERAL NATIONAL MORTGAGE ASSOCIATIONS, Jointly and Severally,

Hon. Terrence G. Berg
Magistrate Judge David R. Grand

Removed from: Macomb County Circuit Court
Case No. 13-0926
Hon. Edward A. Servitto

Defendants.

**MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

Defendants Bank of America, N.A. (“BANA”), individually and as successor by merger to BAC Home Loans Servicing, LP and NationsBanc Mortgage Corporation, Bank of America Corporation (“BOA”) as successor by merger to NationsBank Corporation, and the Federal National Mortgage Association (“FNMA”) (collectively, “Defendants”), by and through their counsel, and for their Motion for Extension of Time to Respond to Plaintiff Michael Ghiaciuc’s (“Plaintiff”) Second Amended Verified Complaint (the “Complaint”). In support of its motion, BNYM relies on the accompanying brief and exhibits and requests that the Court dismiss Plaintiffs’ claims with prejudice and award such other relief it deems appropriate.

Pursuant to L.R. 7.1(a), BNYM sought Plaintiff’s counsel’s concurrence in the relief requested in this motion, and was unable to obtain concurrence.

**BRIEF IN SUPPORT OF
MOTION FOR EXTENSION OF TIME
TO RESPOND TO COMPLAINT**

In support of their Motion for Extension of Time to Respond to Complaint, defendants BANA, BOA, and FNMA state as follows:

1. On May 22, 2013, Plaintiff filed the Complaint in the Circuit Court of Macomb County, State of Michigan, entitled *Michael Ghiaciuc v. Bank of America, N.A. et al.*, Case No. 13-0986-CK (the “State Court Action”).

2. BANA was first served with the Complaint on May 23, 2013.

3. It is unclear when BOA and FNMA were served with the Complaint, or if they were served.

4. On June 21, 2013, Defendants filed a timely Notice of Removal concerning the State Court Action with this Court.

5. Under Fed. R. Civ. P. 81(c)(2)(C), a response to the Complaint must be filed with this Court within seven days after the notice of removal is filed, or by June 28, 2013.

6. Defendants request an extension of time of 28 days to file their response to the Complaint, or by July 26, 2013. Defendants are in the process of reviewing documents concerning the issues raised in the Complaint, and need to analyze those documents in order to properly respond to the Complaint.

7. Counsel for Defendants contacted Plaintiff’s counsel to see if Plaintiff has any objection to this request, but as of the date of the filing of this Motion, Plaintiff’s counsel has been unable to provide a substantive response.

8. This Motion is not brought for the purposes of delay, and Plaintiff will not be prejudiced if the Motion is granted.

WHEREFORE, Defendants, BANA, BOA, and FNMA respectfully request that this Motion for Extension of Time be granted for the reasons set forth herein.

Date: June 21, 2013

Respectfully submitted,

BODMAN PLC

By: /s/Trevor M. Salaski
Trevor M. Salaski (P74703)
6th Floor at Ford Field
1901 St. Antoine St.
Detroit, MI 48226
313.259.7777
tsalaski@bodmanlaw.com
Attorneys for Defendants

Certificate of Service

I hereby certify that on June 21, 2013, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: Joseph H. McKoan IV

By: /s/Trevor M. Salaski
Trevor M. Salaski (P74703)
6th Floor at Ford Field
1901 St. Antoine St.
Detroit, MI 48226
313.259.7777
tsalaski@bodmanlaw.com
Attorneys for Defendants